

BS030563  
U.S. Application No. 10/740,744 Art Unit 2179  
Response to February 28, 2007 Office Action

### **REMARKS**

In response to the office Action dated February 28, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 1-23 are pending in this application.

#### **Objection to Claims 1 & 21-22**

The United States Patent and Trademark Office (the "Office") objected to claim 1 for recitation of the acronym "PC." All claims have been amended to replace "PC" with "computer." Examiner Tran is thanked for this suggestion.

The Office also objected to claims 21-22 for grammatical mistakes. These grammatical mistakes have been cured, and Examiner Tran is thanked for this suggestion.

#### **Rejection under § 101**

The Office rejected claims 11-19 under 35 U.S.C. § 101 for claiming non-statutory subject matter. The claims have been amended to recite "computer readable media." Support for such features may be found at least at paragraph [0047]. Examiner Tran is thanked for this suggestion.

Examiner Tran also requested other amendments. Independent claim 11 has been amended to recite "*logic to execute the software wizard program.*" Support for such features may be found at least at paragraphs [0055] and [0058]. Examiner Tran is thanked for this suggestion.

As Examiner Tran requested, independent claim 17 has been amended. Claim 17 now recites "*a processor communicating with memory and executing instructions stored in the*

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*memory, the instructions comprising logic ....*” Support for such features may be found at least at paragraph [0041]. Examiner Tran is thanked for this suggestion.

### **Rejections under § 102**

The Office rejected claims 1-2, 6-8, 11, 17-18, 20-21, and 23 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 6,266,571 to Fado, *et al.* A claim, however, is only anticipated when each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter “M.P.E.P.”).

These claims cannot be anticipated by *Fado*. These claims recite, or incorporate, features that are not taught or suggested by *Fado*. Independent claim 1, for example, recites “*a device discovery system that polls all the plurality of input ports to identify a user-desired input device among a plurality of substantially similar input devices*” (emphasis added). Support for such features may be found at least at paragraph [0056]. Independent claim 1 is reproduced below, and independent claims 8, 11, 17, 20, and 23 recite similar features.

1. A computer system comprising:

a processor coupled with memory and with a plurality of externally-accessible input ports;  
and

a device discovery system that polls all the plurality of input ports to identify a user-desired input device among a plurality of substantially similar input devices, wherein the identification is carried out by detecting a signal that is generated by the user-desired input device in response to a signal stimulus provided by a user.

*Fado* cannot anticipate such features. *Fado* does not poll “all” input ports to identify a user-desired input device among a plurality of substantially similar input devices. *Fado*, instead, only polls the device port selected by the user. *Fado*, for example, explains a microphone test procedure. *See* U.S. Patent 6,266,571 to Fado, *et al.* at column 9, lines 54-56 and at column 10,

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lines 57-60. The "user is instructed to remain silent" and a room noise level is recorded. *Id.* at column 11, lines 5-11. "The user is instructed to recite a phrase into the microphone." *Id.* at column 11, lines 14-15. *Fado's* tool compares signal and noise levels. *Id.* at column 11, lines 24-32. **"If the microphone test is not successful," the user is reminded of the proper connection.** See U.S. Patent 6,266,571 to *Fado, et al.* at column 11, lines 35-40 (emphasis added). A GUI displays a picture **"depending upon the user's prior selection of an output audio device."** *Id.* at column 11, lines 40-41 (emphasis added). If a retest is unsuccessful, a power adapter and/or battery adapter for the microphone may be tested. See *id.* at column 11, line 50 through column 12, line 23. A GUI displays pictures **"correspond[ing] to audio output device selected by the user."** *Id.* at column 12, lines 23-31 (emphasis added). *Fado* continues to explain that when the tool cannot adjust the microphone's audio level, the user may readjust sound card parameters. See U.S. Patent 6,266,571 to *Fado, et al.* at column 13, lines 52-57. **FIG. 47 illustrates that when the microphone test is unsuccessful, a GUI instructs the user to re-check that the microphone is connected to the "correct jack."** See U.S. Patent 6,266,571 to *Fado, et al.* at FIG. 47 (emphasis added). See also *id.* at column 14, lines 65-67.

*Fado*, then, cannot anticipate claims 1-2, 6-8, 11, 17-18, 20-21, and 23. *Fado* does not poll "all" input ports to identify a user-desired input device among a plurality of substantially similar input devices. *Fado*, instead, only polls the device port selected by the user. Because *Fado* fails to disclose or suggest at least these features, *Fado* cannot anticipate independent claims 1, 8, 11, 17, 20, and 23. The respective dependent claims incorporate these features and recite additional features. Examiner Tran is thus respectfully requested to remove the § 102 rejection of claims 1-2, 6-8, 11, 17-18, 20-21, and 23.

#### Rejection of Claims under 35 U.S.C. § 103 (a)

Claims 3-5, 9-10, 12-16, 19, and 22 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Fado* in view of MATTHEW, ET AL., HOME NETWORKING WITH MICROSOFT WINDOWS XP: STEP BY STEP. Examiner Tran alleges that *Matthew* teaches an audio-visual communication program that permits configuration of devices between different computers.

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Whether or not this allegation is true, the combined teaching of *Fado* with *Matthew* still fails to teach or suggest all the claimed features. Dependent claims 3-5, 9-10, 12-16, 19, and 22 respectively depend from independent claims 1, 8, 11, 17, and 20. These dependent claims incorporate the same distinguishing features (e.g., "a device discovery system that polls all the plurality of input ports," as recited in independent claim 1). The combined teaching of *Fado* with *Matthew* only polls the device port selected by the user. Dependent claims 3-5, 9-10, 12-16, 19, and 22, then, cannot be obvious over the combined teaching of *Fado* with *Matthew*. Examiner Tran is thus respectfully requested to remove the § 103 (a) rejection of claims 3-5, 9-10, 12-16, 19, and 22.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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